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Serial No. 09/362,014  
Filing Date: July 27, 1999  
First Named Inventor: MEEKS  
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Application Number 09/362,014  
Attorney Docket: 99-820

JUN 21 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Meeks, et al.

Group Art Unit: 2173

Serial No.: 09/362,014

Examiner: Bayerl, Raymond J.

Filed: July 27, 1999

For: METHOD AND APPARATUS FOR APPLICATION  
SHARING INTERFACE

**REPLY BRIEF**

Mail Stop Appeal Brief - Patents  
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Honorable Sir:

This is a Reply Brief submitted pursuant to 37 CFR § 41.41 in response to the Examiner's Answer dated April 25, 2006 (hereinafter the "Examiner's Answer"). The Examiner's Answer responded to Appellants' Second Revised Appeal Brief, filed March 6, 2006 (hereinafter the "Appeal Brief").

Claims 1-43 are pending. Claims 18-25 and 35 are allowed. Claims 27, 29, and 31-34 have been indicated to contain allowable subject matter, but are objected to as depending from rejected base claims. Claims 1-17, 26, 28, 30, and 36-43, reproduced in the Claims Appendix attached hereto, have been rejected and are the subject of this appeal.

The Final Office Action rejected claims 1-8, 10, 12-17, and 42-43 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,308,199 ("Katsurabayashi") in view of U.S. Patent No. 5,758,110 ("Boss"). The Final Office Action further rejected claims 26 and 28 under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of U.S. Patent No. 5,907,324 ("Larson"). The Final Office Action further rejected claims 30 and 36-41 under 35 U.S.C. § 103(a) as obvious

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over Katsurabayashi in view of U.S. Patent No. 5,790,127 ("Anderson"). The Final Office Action further rejected claims 9 and 11 under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Boss and Anderson.

As noted in the Examiner's Answer (page 3), in addition to the Grounds of Rejection to be Reviewed on Appeal set forth in the Appeal Brief, the rejection of claims 9 and 11 under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Boss and Anderson is also submitted to the Board in this Appeal, and reasons for the reversal of this rejection were set forth in the Appeal Brief at least by way of arguments for the patentability of independent claim 8, from which claims 9 and 11 each depend.

### ARGUMENT

**A. Claims 1-8, 10, 12-17, and 42-43 Are Patentable Over The Combination Of Katsurabayashi And Boss.**

Claims 1-8, 10, 12-17, and 42-43 were rejected under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Boss.

**1. Claims 1-13: selecting a document or documents**

Independent claims 1-2 recite selecting a document or documents "to be shared by the host user," and selecting an audience member or members with whom to share the documents. Independent claim 7 recites "selecting by the host user the document" and "selecting by the host user the participant." Similarly, independent claim 8 recites determining if a file associated with an application program has been selected and, if so, "providing a share view menu."

The Examiner has plainly conceded Appellants' argument (Appeal Brief, page 5) that "[n]othing in Katsurabayashi says anything about selecting a document or documents for sharing." (See Examiner's Answer, page 10.) The Examiner's only response to this argument is that

it remains that Katsurabayashi selects the visibility of windows (and not applications) for given users, and in referring to individual windows, the windows have every capability and expectation of being opened upon particular document instances. Thus, Katsurabayashi teaches the claimed "real-time shared viewing of the at least one document (claim 1), when its window is designated for visibility.

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(*Id.*; emphasis in original). In other words, the most that Katsurabayashi teaches or suggests, according to the Examiner, is “selecting the visibility of windows.” Thus, even while asserting that Katsurabayashi teaches real-time shared viewing of a document, the Examiner concedes that, at most, Katsurabayashi’s windows have the *possibility* of “being opened upon particular document instances.” Assuming *arguendo* that such a possibility exists, this does not mean that Katsurabayashi teaches or suggests real-time shared viewing of a document. More importantly, even if Katsurabayashi did teach real-time shared viewing of a document, Katsurabayashi still would fail to read on Appellants’ claims, which all require the *selection* of a shared document.

Further, the Examiner has also conceded that Katsurabayashi cannot teach the selection of documents and files required by Appellants’ claims because it is clear that, in Katsurabayashi, any such selection would occur *after* a connection between the host and a client or clients had been established. (See Appeal Brief, pages 5-6; Examiner’s Answer, page 10.) The Examiner stated merely that claims 1-2 and 7-8 “continue[] to be rendered obvious because Katsurabayashi and Boss suggest the user’s ‘selecting’, as is used to drive a ‘real-time shared viewing’ (claim 1 quoted again), whether there had been connections of a more general nature or not.” (Examiner’s Answer, page 10.) In other words, the Examiner’s rejection of Appellants’ claims relies on the assertion that the cited references generally address subject matter similar to Appellants’ claims, but the Examiner has plainly failed to meet the burden of stating a *prima facie* case of obviousness, which requires that one or more cited references specifically teach or suggest each and every one of Appellants’ claim limitations. Specifically, the prior art of record simply does not teach or suggest selecting a file or document and *then* establishing a shared viewing thereof, as required by claims 1-2 and 7-8.

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of each of claims 1-13 should be reversed.

**2. Claim 10: “a participant list associated with the share view menu”**

Claim 10, which depends from independent claim 8, recites “a participant list associated with the share view menu in response to the selection of the file.” Appellants argued both that the Examiner had failed to state a motivation to combine Katsurabayashi and Boss to meet the limitations of claim 10, as well as that Katsurabayashi and Boss each fail to teach the limitations of claim 10. (Appeal Brief, pages 6-7.)

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The Examiner's Answer asserts that one of ordinary skill would have been motivated to combine Katsurabayashi and Boss because of an alleged "usefulness that a selection mechanism for shared viewing in Boss will supply to the window list arrangement of Katsurabayashi, in facilitating more productive collaborations." (Examiner's Answer, page 11.) However, this allegation of a motivation to combine Katsurabayashi and Boss should be ignored by this Board at least because the Examiner provided absolutely no citation to any of the prior art of record as teaching the alleged motivation. At best, the statement of motivation included in the Examiner's Answer consists of improper hindsight reasoning.

Further, the Examiner's alleged motivation for one of ordinary skill to have combined Katsurabayashi and Boss belies the fact that these two references could not be combined at all. The Examiner ignored Appellants' arguments that "Katsurabayashi actually teaches away from the claimed invention by disclosing that its user information management unit handles all decisions about what windows to display to each user," and that "Katsurabayashi's disclosure thus obviates any need to display the recited share view menu." (Appeal Brief, page 7.) Similarly, Boss, having in effect only one participant, would not have been used with "a participant list," as is required by claim 10. (*Id.*)

The Examiner has done no more than assert that Katsurabayashi and Boss could be combined, and that such a combination would mean "that some form of listing will have to appear, as regards the visibility assigned to windows from Katsurabayashi, this reading upon claims 10's "participant list associated with the share view menu." (Examiner's Answer, page 11.) However, the Examiner's assertion ignores the fact that Katsurabayashi and Boss, either alone or taken together, fail to teach or suggest the limitations of claim 10. Moreover, the Examiner has ignored the arguments, summarized above, that Katsurabayashi and Boss are incapable of combination. The rejection of claim 10 should be reversed for either of these two reasons alone. Furthermore, even if the Examiner were correct that a combination of Katsurabayashi and Boss taught or suggested a list of windows, such a combination would fail to read on the "participant list" required by claim 10.

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claim 10 should be reversed.

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**3. Claims 14 and 17: “displaying the window list in a user interface”**

Independent claims 14 and 17 recite “displaying the window list in a user interface.” The Examiner has apparently conceded that Boss, alleged to teach this limitation in the Final Office Action (page 2), in fact does not. (See Examiner’s Answer, page 11.) Appellants respectfully submit that, even if the Examiner is correct that Boss emphasizes “the control that the host has over the sharing of the application” (*id.*), such a general teaching would not, contrary to the Examiner’s unsupported assertion, have suggested that “a form of list become[s] available to that host user.” (*Id.*) As argued in the Appeal Brief, Boss simply fails to teach or suggest “displaying the window list in a user interface.” (Appeal Brief, page 8.) Moreover, even if Boss did contain such a teaching, Katsurabayashi’s disclosure of a “management table” that is never displayed to users would teach against any combination with a reference teaching “displaying the window list in a user interface.”

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claims 14-17 should be reversed.

**4. Claims 42-43: “operating system configured for user selection . . .”**

Independent claim 42 requires an “operating system configured for user selection of at least one window and at least one recipient.” Similarly, independent claim 43 requires an “operating system configured for user selection of at least one object and at least one recipient.” The Examiner has asserted that, because Katsurabayashi allegedly teaches “window management . . . specifically . . . for the purpose of shared views upon a window . . . [i]n combination with Boss, this allows a host user to designate just what should be shared.” (Examiner’s Answer, page 12.) However, as explained in the Appeal Brief (page 9), the Examiner’s proposed combination of Katsurabayashi and Boss is impossible because (1) Katsurabayashi is directed, at most, to allowing users to share *an application*, not to allowing users to share selected windows or objects *within an application*, and (2) even if Katsurabayashi did teach sharing selected windows or objects, it is clear that any such selection would occur *after* a connection between the host and a client or clients had been established. (Appeal Brief, page 9.) Either of these arguments, both of which have gone unmet, would alone justify reversal of the rejection of claims 42-43.

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claims 42-43 should be reversed.

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**B. Claims 26-28 Are Patentable Over The Combination Of Katsurabayashi And Larson.**

Independent claims 26 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Larson. Claim 26 includes the limitations of "selecting a name to save state of the application-sharing meeting configuration," "saving an address for each participant," and "saving descriptors for each shared application." Claim 28 contains similar limitations.

In addressing the fact that the Final Office Action failed to state a *prima facie* case of obviousness in rejecting claims 26 and 28 (Appeal Brief, page 12), the Examiner provided only general statements that (1) "each [of Katsurabayashi and Larson] is from the art related to collaborative viewing of file content" (Examiner's Answer, page 12), and (2) the mere alleged fact that Larson teaches elements of Appellants' claims admittedly not found in Katsurabayashi would have provided a motivation to combine the references. (*Id.*) Appellants respectfully submit that, as is clear from the face of the Examiner's Answer, the Examiner has plainly failed to state, much less provide support from the prior art of record for, a motivation to combine Katsurabayashi and Larson. For at least this reason, the rejection of claims 26 and 28 should be reversed.

Further, the Examiner's Answer fails to address Appellants' argument that Katsurabayashi and Larson are not in fact capable of combination. (Appeal Brief, pages 10-11.) Instead, the Examiner simply repeats the unfounded assertion that "naming and specifically saving a collaborative viewing session's parameters is indeed suggested" by Katsurabayashi and Larson. However, the Examiner gives absolutely no explanation as to how Larson's conference object could have been made functional in the context of Katsurabayashi's application-sharing system. (*See id.*) Nor did the Examiner provide any explanation of how the proposed combination of Katsurabayashi and Larson, teaching two entirely different applications that operate completely differently (*see id.*, page 12), could be made operable. Thus, there is further independent reason for reversing the rejection of claims 26 and 28.

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claims 26 and 28 should be reversed.



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**C. Claims 30 and 36-41 Are Patentable Over The Proposed Combination Of Katsurabayashi And Anderson.**

Independent claims 30, 36, and 39, as well as dependent claims 37-38 and 40-41, were rejected under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Anderson.

**1. Claim 30: "use item"**

Independent claim 30 recites "setting a use item equal to a menu item." The Examiner acknowledges that Katsurabayashi's management table does not contain "use items." (Examiner's Answer, page 13.) The Examiner asserts that Anderson's "management of session activities is such that the called-for use of a 'use item' is suggested." (*Id.*) Appellants respectfully submit that such a broad and general statement of motivation is insufficient to meet the burden of stating a *prima facie* case of obviousness with respect to the specific limitation of "setting a use item equal to a menu item," even if the Examiner had cited support for this statement in Anderson or any the prior art of record.

Further, even if Anderson did suggest a "use item," the Examiner has wholly ignored Appellants' arguments that (1) because Katsurabayashi's management table does not contain "use items," Katsurabayashi simply could not have been combined with any reference that taught or suggested "use items," and (2) Katsurabayashi not only fails to teach any menu for user selection but in fact teaches away from such menus, and therefore could not be combined with any reference to achieve "setting a use item equal to a menu item." (Appeal Brief, page 12.)

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claim 30 should be reversed.

**2. Claim 30: "determining if the use item is currently in use . . ."**

Claim 30 requires "determining if the use item is currently in use" and "if the use item is not in use, setting a label of the use item to the target name; setting an address of the use item to the associated network address; and enabling use of the use item." The Examiner relied on Anderson as allegedly teaching this claim limitation (Final Office Action, page 6), but has not disputed that, as argued in the Appeal Brief (page 12), Anderson clearly fails to teach the recited menu item, much less setting a use item equal to a menu item. (See Examiner's Answer, page 13.) Rather, the Examiner asserts generally and without support that "Anderson remains valid[] for teaching that the various components of a collaborative work should be managed as to their availability." (*Id.*) Moreover, regardless of whether Anderson inherently requires "an internal

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accounting for . . . network addresses, and the need to have connections properly in place” (*id.*), Anderson simply fails to teach or suggest certain limitations of claim 30. Specifically, the Examiner points to no portion of Anderson that teaches or suggests the limitations of claim 30 of “determining if the use item is currently in use” and “if the use item is not in use, setting a label of the use item to the target name; setting an address of the use item to the associated network address; and enabling use of the use item.”

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claim 30 should be reversed.

**3. Claim 30: inability to combine Katsurabayashi and Anderson**

The Examiner wholly ignored Appellants’ argument that Andersen fails as a reference against claim 30 because it would have been impossible for one of ordinary skill in the art to have modified Katsurabayashi with the teachings of Andersen. (Appeal Brief, page 13.) For at this additional reason, as explained in the Appeal Brief, the rejection of claim 30 should be reversed.

**4. Claims 36 and 39: “a call manager . . .”**

Independent claims 36 and 39 each require “a call manager configured to maintain status information regarding the connectivity, the status information including current number of active participants.” The Examiner maintains that, because Anderson teaches managing “connection status,” Anderson teaches managing “status information including current number of active participants.” (Examiner’s Answer, page 14.) However, Anderson teaches at most managing shared applications, and does not teach or suggest the “active participants” to a conference call required by claims 36 and 39. Thus, the Examiner’s unsupported assertions to the contrary, Anderson cannot teach or suggest the foregoing limitations of claims 36 and 39.

Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejections of claim 36 and 39 should be reversed.


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### CONCLUSION

In view of the foregoing arguments, a reversal of the rejections of record is respectfully requested of this Honorable Board. Appellants believe that no fee is due with this Reply Brief. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 99-820, from which the undersigned is authorized to draw. To the extent necessary a petition for extension of time under 37 C.F. R. § 1.136 is hereby made, the fee for which should be charged to the above account.

Respectfully submitted,

Date: June 21, 2006

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### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: June 21, 2006

Signature:  (Christian R. Andersen)